IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SEVENTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 18287 of 2004

Between:

Ramavath Kasine Naik, S/o.Bala Naik,
R/o.Rollapadu Thanda, Tuggali Mandal, Kurnool Dist.

..... PETITIONER

AND

1 The Joint.Collector, Kurnool Dist.
2 The Revenue Divisional Officer, Adoni Division, Adoni, Kurnool Dist.
3 Ramavath Jaya Ramulu, S/o.R.Hanuma Naik,
R/o.Rollapadu Thanda, Tuggali Mandal, Kurnool Dist.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction or particularly one in the nature of writ of mandamus, declaring the action of the 1st respondent in issuing the impugned orders in Rc.CS3/212/2004, dt.03-08-2004 staying the appointment orders of the petitioner issued by the 2nd respondent in Rc.M.444/04, dt.27-6-2004 on flimsy grounds and without giving opportunity, as illegal, arbitrary, violative of Articles 14, 19, 21 of constitution of India and consequently set aside the above impugned orders of the 1st respondent and pass.

Counsel for the Petitioner : MR. K.RATHANGA PANI REDDY

Counsel for the Respondents 1 & 2: GP FOR REVENUE

Counsel for the respondent No.3 : --

The Court made the following :

THE HON'BLE MS. JUSTICE G.ROHINI

WRIT PETITION NO.18287 OF 2004

ORAL ORDER :

The Revenue Divisional Officer, Adoni Division (2nd respondent) has notified the vacancy in respect of the fair price shop of Rallapadu Thanda, Tuggali Mandal, Kurnool District. The writ petitioner and the third respondent herein have applied for the same. After following due process of selection, the petitioner herein was appointed as the fair price shop dealer by the 2nd respondent by proceedings dated 27-06-2004. Challenging the said proceedings dated 27-06-2004, the third respondent herein who is the unsuccessful candidate filed an Appeal before the first respondent – Joint Collector, Kurnool contending that the petitioner herein is not eligible for appointment. The first respondent having entertained the Appeal by order dated 03-08-2004 granted stay of the appointment of the petitioner. The said order is under challenge in this writ petition.

I have heard the learned Counsel for the petitioner and the learned Government Pleader for Civil Supplies appearing for the respondents 1 and 2.

Though the learned Counsel for the petitioner raised various grounds contending that the allegation that the petitioner is not eligible for appointment is untenable, since the statutory Appeal is pending, I am not inclined to express any opinion on merits. Moreover, the order impugned in this writ petition being an interim order passed by the Appellate Authority pending appeal, I am of the view that the same does not warrant any interference in exercise of jurisdiction under Article 226 of the Constitution of India. However, having regard to the facts and circumstances of the case, I am of the view that the Appeal requires expeditious disposal.

Accordingly, the Writ Petition is disposed of with a direction to the first respondent to dispose of the Appeal pending on his file against the order of the second respondent dated 27-06-2004 as expeditiously as possible preferably within a period of four weeks from the date of receipt of this order. No costs.

Needless to mention that the petitioner as well as the third respondent herein shall be provided an opportunity of being heard before disposal of the Appeal.

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07th October, 2004.

Gbs

To

1 The Joint.Collector, Kurnool Dist.
2 The Revenue Divisional Officer, Adoni Division, Adoni, Kurnool Dist.

3.2CCs to G.P. for Revenue, High Court of AP Bldgs, Hyderabad (OUT).

4.2CD copies